

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF
DAVID GRENVILLE HOLMES
INTERNATIONAL APPLICATION NO: PCT/EP2004/012989
FILED: 11 NOVEMBER 2004
U.S. APPLICATION NO: 10/579,580
35 USC §371 DATE: January 25, 2007
FOR: COMBINATION OF A DPP IV INHIBITOR AND AN ANTI OBESITY
OR APPETITE REGULATING AGENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated March 18, 2008, Applicants elect with traverse, Group I, claims 1-6, 13 and 15, directed to a combination comprising a DPP IV inhibitor or a pharmaceutically acceptable salt thereof, and at least one therapeutic agent selected from the group consisting of (i) an antiobesity agent or a pharmaceutically acceptable salt thereof, (ii) an appetite regulating agent or a pharmaceutically acceptable salt thereof.

Applicants reserve the right to file one or more divisional applications directed to the non-elected subject matter in this application. The restriction requirement is traversed insofar that the Examiner has not indicated the possibility of rejoinder of process claims with the elected product claims. Applicant respectfully request that upon allowance of one or more claims directed to the combination product, the process claims that depend from or otherwise contain all the limitations of the product claims, be considered for rejoinder.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 18, 2008


Dated: September 18, 2008


Ann R. Pokalsky

As further required, Applicants elect for species (A) the combination of a DPP-IV inhibitor and an antiobesity agent. For species (B), Applicants elect (S)-1-{2-[5-cyanopyridin-2yl)amino]ethyl-aminoacetyl)-2-cyano-pyrrolidine. For species (C), Applicants elect orlistat; and for species (D), Applicants elect Type 2 diabetes mellitus and related diseases, disorders or conditions.

Early and favorable consideration of the elected group of claims and species is respectfully requested.

Respectfully submitted,


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